

PART 1207—ACQUISITION PLANNING

Subpart 1207.3—Contractor Versus Government Performance

Sec.

1207.302 General.

1207.307 Appeals.

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

Subpart 1207.3—Contractor Versus Government Performance

1207.302 General.

Procedures for DOT's implementation of OMB Circular A-76, Performance of Commercial Activities, and (FAR) 48 CFR 7.3 are found in DOT Order 4400.2 series, Performance of Commercial Activities.

[59 FR 40275, Aug. 8, 1994]

1207.307 Appeals.

DOT appeal procedures for informal administrative review of initial cost-comparison results are contained in DOT Order 4400.2 series.

[59 FR 40275, Aug. 8, 1994]

PART 1209—CONTRACTOR QUALIFICATIONS

Subpart 1209.4—Debarment, Suspension, and Ineligibility

Sec.

1209.408–70 Denial of funds.

Subpart 1209.5—Organizational Conflicts of Interest

1209.507 Solicitation provisions.

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

SOURCE: 59 FR 40275, Aug. 8, 1994, unless otherwise noted.

Subpart 1209.4—Debarment, Suspension, and Ineligibility

1209.408–70 Denial of funds.

(a) In accordance with Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Pub. L. 103–337) and Section 206 of the Coast Guard Authorization Act of 1996 (Pub. L. 104–324), no funds available under appropriations acts for any fiscal year for DOT may (with respect to recruiting) be provided by contract to any institution of higher education that has a policy or practice, regardless of when implemented, that either prohibits or in effect prevents the Secretary of Defense from obtaining for military recruiting purposes:

(1) Entry to campuses or access to students on campuses; or

(2) Access to directory information on students.

(b) Directory information means the student's name, address, telephone listing, date and place of birth, level of education, academic major, degrees received, and the most recent educational institution in which the student was enrolled.

(c) Students referred to in paragraph (a)(1) of this section are individuals who are 17 years of age or older and are enrolled at a covered school.

(d) Covered school means an institution of higher education, or a subelement of an institution of higher education.

[62 FR 67751, Dec. 30, 1997]

Subpart 1209.5—Organizational Conflicts of Interest

1209.507 Solicitation provisions.

The contracting officer may insert the provision at (TAR) 48 CFR 1252.209–70, “Disclosure of Conflicts of Interest” in all solicitations for negotiated acquisitions, when simplified acquisitions procedures in (FAR) 48 CFR Part

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1211.204-90

13, are not used and when the contracting officer believes the conditions enumerated in (FAR) 48 CFR 9.507-2 warrant inclusion.

[61 FR 50249, Sept. 25, 1996]

PART 1210—MARKET RESEARCH [RESERVED]

PART 1211—DESCRIBING AGENCY NEEDS

Sec.

Subpart 1211.1—Selecting and Developing Requirements Documents

1211.104 Items peculiar to one manufacturer.

1211.104-70 Offer evaluation and award, brand name or equal descriptions.

Subpart 1211.2—Using and Maintaining Requirements Documents

1211.204-70 Solicitation provisions and contract clauses.

1211.204-90 Solicitation provision and contract clause (USCG).

Subpart 1211.6—Priorities and Allocations

1211.602 General.

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

SOURCE: 61 FR 50249, Sept. 25, 1996, unless otherwise noted.

Subpart 1211.1—Selecting and Developing Requirements Documents

SOURCE: 62 FR 26420, May 14, 1997, unless otherwise noted.

1211.104 Items peculiar to one manufacturer.

1211.104-70 Offer evaluation and award, brand name or equal descriptions.

(a) An offer may not be rejected for failure of the offered product to equal a characteristic of a brand name product if it was not specified in the brand name or equal description. However, if it is clearly established that the unspecified characteristic is essential to the intended end use, the solicitation may be defective and need to be

amended or the requirement resolicited.

(b) The contracting officer shall insert in the solicitation an entry substantially as follows for completion by the offeror in the item listing after each item or component part of an end item to which a brand name or equal purchase description applies:

Offering on:

Manufacturer's Name:

Brand:

No:

(c) Except when bid samples are requested for brand name or equal procurements, the following note shall be inserted in the item listing after each brand name or equal item (or component part), or at the bottom of each page, listing several such items, or in a manner that may otherwise direct the offeror's attention to this note:

Offerors offering other than brand name items identified herein should furnish with their offers adequate information to ensure that a determination can be made as to the equality of the product(s) offered (see the provision at (TAR) 48 CFR 1252.211-70, Brand Name or Equal).

Subpart 1211.2—Using and Main- taining Requirements Docu- ments

1211.204-70 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert the provision at (TAR) 48 CFR 1252.211-70, Brand Name or Equal, in solicitations using a brand name or equal purchase description whenever practicable.

(b) The contracting officer shall insert the clause at (TAR) 48 CFR 1252.211.71, Index for Specifications, when an index or table of contents may be furnished with the specification.

[62 FR 26420, May 14, 1997]

1211.204-90 Solicitation provision and contract clause (USCG).

(a) The contracting officer shall insert the USCG clause at (TAR) 48 CFR 1252.211-90, Bar Coding Requirement